

### Remarks

The drawings were objected to. A corrected drawing sheet of Figure 4 is enclosed.

The disclosure was objected to in paragraph [0007]. That paragraph has been corrected.

Applicants believe that the word "Velcro" is capitalized throughout their specification. If it is not, the Examiner is requested to identify the paragraph where it is not.

The disclosure was objected to because the text was not written in a nonscript type font. This application was filed electronically and the Patent Office software selected the script. The script is Times New Roman 12, which should meet the requirements.

The Abstract of the Disclosure was also objected to. It is the Patent Office software that inserts the title above the Abstract. This is done automatically when an application is filed electronically. Applicants have no control over the Patent Office software.

The claims were objected to for being numbered [c1]. Again, it is the Patent Office software that numbers the claims in this way. That software has been approved by the Electronic Business Center in the Patent Office and that is the only software that can be used to file applications electronically. Furthermore, the Patent Office encourages applicants to file electronically and now even offers a reduced fee for

electronic filing. Applicants should not be required to change the format used and approved by the Patent Office itself.

Claims 1 to 20 were rejected under 35 U.S.C. 103(a) as obvious over Meharg in view of Sugimoto.

Feet that can be filled with a liquid or a solid particulate matter are an essential part of Applicants' invention. By using weighted feet to hold the training aid in an upright position, Applicants are able to move and position the training aid anywhere. This is important as batters do not all stand in the same position relative to home plate. Some stand closer and some stand farther away. Some stand perpendicular to the pitch and some stand at an angle. Because Applicants' training aid can be moved to any position, Applicants' training aid can accommodate the styles of different batters. Thus, a pitcher who wants to practice pitching to a particular batter can position Applicants' training aid so that it is in the same position taken by that particular batter.

That is not possible with Meharg's batter dummy. Figure 1 in Meharg shows that his batter dummy can be positioned only on areas 16 (column 2, lines 18 to 20). As Meharg states (column 2, lines 24 to 26), "The feet 18 can therefore be placed anywhere described so long as a significant portion of the feet 18 engage areas 16." Because Applicants' training aid is free-standing, it is not so limited and can be placed at odd angles to the pitch or much closer or farther away from the pitcher or home plate.

All of Applicants' claims now require two types of valves: (1) valves for inflating

air into the training aid and (2) a valve in each foot for inserting a liquid (e.g., water) or a solid particulate material (e.g., sand) into the foot. These are different types of valves. A valve for inserting air has a small opening and sometime a flap to prevent the air from escaping. A valve for inserting water or sand has a much wider opening and usually no flap. Applicants' Figure 1 shows that the valve 20 on the feet for inserting water or sand is much larger than the valve 12 on the legs for inflating air.

Meharg shows only one type of valve – a valve for inflating air. The additional water or sand valve in the feet is an essential part of Applicants' invention as it enables the user of the training aid to easily fill the feet with water or sand then, when the training aid is no longer needed, remove the water or sand from the feet so that the training aid can be conveniently stored. It would be very difficult to insert water or sand into an air valve and even more difficult to remove water or sand from an air valve. Meharg's batter dummy has no valve in the feet at all and the other valves in Meharg are air valves, which are not suitable for inserting water or sand.

Moreover, the mat is an essential part of Meharg's invention, as shown by his Claim 1. He needs the mat as it acts as home plate and it is also used to hold his batter dummy upright. As Meharg's Figure 4 shows, stakes or nails 32 are inserted through holes 34 in the mat and are driven into the ground to hold the mat in place and thereby prevent the batter dummy from toppling over in windy conditions or when struck by a ball. For those reasons, it would not be obvious to eliminate the mat, place a valve in the feet of Meharg's batter dummy, and fill the feet with water or sand.

The Examiner states, "Meharg shows various means can be used to either permanently or releasably attach the feet (18) to a platform (14) in order to stably secure the inflatable dummy (see column 2, lines 18-18)." However, Meharg does not describe or give examples of any of those "various means." And, whatever they are, they are all means to "attach the feet (18) to the platform (14)." Meharg does not suggest any way to hold the dummy upright other than by means of attaching the feet to the platform. Applicants do not attach the feet of his training aid to any platform, nor does he secure them to the ground. It is not obvious from Meharg to not attach the feet to a platform.

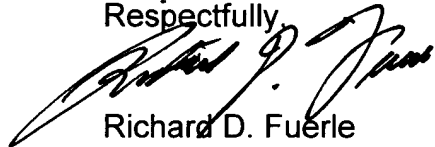
While Applicants' training aid can be used inside or outside, because Meharg uses stakes or nails to hold his platform down, he can use his batter dummy only outside. Also, those stakes may fly out of the ground if Meharg's batter dummy is struck by a fast-moving ball, posing a danger to the catcher or nearby players.

Sugimoto is cited to show detachable body parts and is not otherwise relevant. Meharg's batter dummy does not have any detachable body parts. In Meharg's batter dummy, none of the body parts are detachable or rotatable. All of Applicants' claims require a head that can be removably attached. The reason for this is so that the head of Applicants' training aid can be turned to the left or to the right, depending upon whether the training aid is to be a right-handed batter or a left-handed batter. The head of Meharg's batter dummy looks straight ahead, regardless of whether it is left-handed or right-handed. It is not obvious to combine Meharg's batter dummy with Sugimoto's

detachable body parts because one of the advantages that Meharg's batter dummy has over the prior art is that it is not "expensive to build" (column 1, lines 29 to 30). Using a detachable head that must be separately inflated and that therefore has its own valve would certainly make Meharg's batter dummy more expensive.

Applicants believe that all of the rejections have been overcome and therefore reconsideration and allowance of all of the claims are requested. The Examiner is invited to call Applicants' attorney at 716-774-0091 to discuss this application.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard D. Fuerle", written over the typed name.

Richard D. Fuerle  
Registration No. 24,640  
For Applicant

Richard D. Fuerle  
1711 West River Road  
Grand Island, NY 14072  
(716)-774-0091  
September 19, 2005  
CASE DR01